

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JASON DELEON,

Plaintiff,

DECISION AND ORDER

16-CV-6848L

v.

JOEL R. AYERS, et al.,

Defendants.

United States Magistrate Judge Jonathan W. Feldman has been assigned to handle certain pretrial matters in civil cases. Plaintiff, Jason Deleon, appearing *pro se*, has moved to amend his Complaint in several respects in response to this Court's prior orders dismissing some of plaintiff's claims and directing that he file an Amended Complaint. Plaintiff has filed an Amended Complaint seeking to identify certain defendants and add new defendants who have not been mentioned previously.

Magistrate Judge Feldman issued a thorough Decision and Order/Report and Recommendation (Dkt. # 29). In that document, Judge Feldman discussed the basis for his decision to allow plaintiff to amend his complaint with respect to four defendants, Spahalski, Harris, Andrus, and Pierson, and his Recommendation, that the motion be denied with respect to putative defendants Smith, Allen, Liddick, Brown, and Martin.

Neither plaintiff nor defendants have appealed from or objected to Magistrate Judge Feldman's Decision and Order/Report and Recommendation and the time within which to do that has expired.

Therefore, I accept and adopt the Magistrate Judge's Report and Recommendation and I affirm in full his Decision and Order.

CONCLUSION

Plaintiff's motion to amend his Complaint to add Anthony Spahalski, Jeffrey Harris, Joshua Andrus, and Shawn Pierson is GRANTED and the Clerk is directed to substitute those defendants for John Does 1-4. Plaintiff's motion to amend his Complaint to add Matthew Smith, Debra Allen, Brianne Liddick, Emily Brown, and Hanna Martin is DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 18, 2019.